

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TECHNOLOGY PROPERTIES LIMITED,
INC. and PATRIOT SCIENTIFIC
CORPORATION,

Plaintiffs,

vs.

ASUSTEK COMPUTER, INC.,

Defendant.

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Civil Action No. 2:08-cv-227 (TJW)

Jury Demanded.

JOINT MOTION TO DISMISS PURSUANT TO FRCP 41(a)(2)

COME NOW Plaintiffs, Technology Properties Limited and Patriot Scientific Corporation, and Defendant, ASUSTeK Computer, Inc., and respectfully move the Court to dismiss this cause of action between them, without prejudice, pursuant to FRCP 41(a)(2). In order to prevent the operation of FRCP 41(a)(1)(B), the parties seek dismissal by court order. The parties also stipulate to dismiss, without prejudice, the similar action pending in the Northern District of California (Case No. 5:08-CV-00884). In support, the parties respectfully show the Court as follows:

I.

All matters in controversy between Plaintiffs and Defendant have been settled and compromised, and these parties jointly move to dismiss all causes of action asserted or which could have been asserted in this suit, without prejudice. These parties further move that all costs of court be assessed against the party who incurred them.

WHEREFORE, PREMISES CONSIDERED, these parties jointly pray that this motion be granted and that all causes of action asserted or which could have been asserted in this suit, be

dismissed without prejudice and that all costs of court be assessed against the party who incurred them.

Dated: February 10, 2009

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT
ASUSTEK COMPUTER, INC.**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 10th day of February, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ N. Claire Abernathy
N. Claire Abernathy